

ADOPTED 10/31/91

DEFENSE ENVIRONMENTAL RESTORATION PROGRAM
FORMERLY USED DEFENSE SITES
FINDINGS AND DETERMINATION OF ELIGIBILITY
BOSTON HISTORIC PARK AND B.R.A. PROPERTY
(CHARLESTOWN NAVAL SHIPYARD)
CHARLESTOWN, MASSACHUSETTS
SITE NO. D01MA000100

FINDINGS OF FACT

1. The real property interests over the majority of the land at the Charlestown Naval Shipyard were acquired by the Department of Defense by purchase and condemnation between 1800 and 1840. The remaining parcels were also acquired by purchase and condemnation at various times during the 19th and 20th centuries up to 1953. The total area of the site consisted of 130.35 acres fee.
2. The Charlestown Naval Shipyard opened in 1800. During its 174-year history, the shipyard built, repaired, refitted and modernized warships of the Navy for every war and conflict in which this country has taken part, from the American Revolution to Vietnam. The entire area of the shipyard was developed over time by the Navy with buildings and manufacturing and construction facilities connected with shipbuilding; including personnel barracks, offices, workshops, and a ropewalk. In August 1964, an approximately 1.22-acre segment of land containing Buildings "I" and 136 were transferred to the Marine Corps. The site was under continuous DOD control during the period of DOD ownership and use.
3. The shipyard was closed in 1974 and reported to General Services Administration (GSA) for disposal by the Naval Facilities Engineering Command by Report of Excess No. 8-74, dated 27 May 1975. At about this same time, the Marine Corps excessed to GSA the approximately 1.22 acres it had acquired. An area consisting of 24.72 acres fee (known as the "National Historic Site") was transferred to the Department of the Interior on 1 February 1977 for the purpose of establishing a National Historic Park to serve as the permanent berthing place of the U.S.S. Constitution ("Old Ironsides") and the U.S.S. Cassin Young. The transfer included facilities for maintaining these vessels, for public displays of historic information regarding the American Revolution, and for administrative offices. The approximately 1.22-acre Marine Corps parcel is included in this area. The DOI later removed Building 136. The remainder of the Navy Yard (105.63 acres fee) was conveyed to the Boston Redevelopment Authority (B.R.A.) through a series of transfers.

The area referred to as "Public Park" or "Shipyard Park", was assigned to the Department of Interior and conveyed by the Bureau of Outdoor Recreation to the B.R.A. by quitclaim deed, dated 6 May 1977, for public park or public recreation purposes. The deed indicated that the area consisted of 16.37 acres fee. The deed contains clauses requiring use and maintenance of the park for the stated purposes in perpetuity and compliance with the Civil Rights Act of 1964. The deed allowed recapture by the Government of all or part of the property (such that the property reverts to the Government) in time of national emergency and reentry at the Government's discretion for breach of any of the conditions therein. The deed reserves to the Government all oil, gas, and other minerals and the right to enter the property to mine and remove the same. A second, subsequent quitclaim deed, referred to as a "Reformation, Amendment and Confirmatory Deed" covering the "Public Park" area, dated 6 May 1979, superseded and replaced the prior deed of 6 May 1977. This second deed changes the area that was conveyed to 16.22 acres fee. All conditions referred to above in the prior deed appear in the subsequent deed. Additional language in the subsequent deed defines separately the public park areas from the access and utility areas. The subsequent deed requires that the facilities on the property be accessible to the physically handicapped. The subsequent deed required in particular that fifteen cannon bollards be maintained in good physical condition. Neither deed contains any other relevant special conditions and neither deed contains any language regarding restoration.

The area referred to as the "Historic Monument Area", consisting of 30.85 acres fee, was conveyed from GSA to the B.R.A. by quitclaim deed, dated 7 July 1978, as and for an historic monument. The deed reserves to the Government three easements: for foot and vehicle traffic over certain streets within the parcel; to use and connect to all present and future utility systems; and for access and egress to Chelsea Street. The deed contains clauses requiring that the premises be forever used and maintained as and for an historic monument and not for park or recreation purposes; providing that the Government may recapture the property in times of national emergency, excepting that if such recapture should occur more than twenty years after the date of conveyance the Government shall pay fair rental for the portion so used; providing that the Government may reenter the property in the event of breach of any of the conditions in the deed; and requiring that any buildings demolished on the granted parcel be recorded for the Historic American

SITE NO. D01MA000100

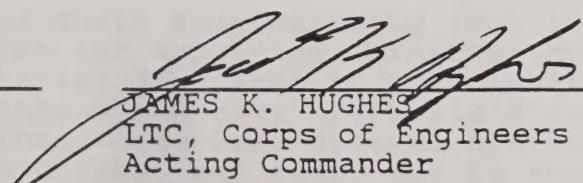
Buildings Survey or the Historic American Engineering Record as required by Executive Order 11593. The deed contains no other relevant special conditions nor does it contain any language regarding restoration.

The area referred to as the "New Development Area" or "Project Parcel", consisting of 58.56 acres fee, was conveyed from GSA to the B.R.A. by quitclaim deed, dated 21 May 1979, for consideration of \$ 1,740,000. The conveyance was subject to the terms, conditions, and stipulations of a "Memorandum of Agreement", dated 31 May 1978. These stipulations require consultation regarding historic issues before structures are restored, rehabilitated, demolished, or constructed. The deed also contains language regarding the disposition of funds resulting from the sale of 50% or more of the conveyed premises within three years of the date of the deed. The deed contains no other relevant special conditions nor any language regarding restoration.

DETERMINATION

Based on the foregoing findings of fact, the site has been determined to have been formerly used by DOD. It is therefore eligible for the Defense Environmental Restoration Program for Formerly Used Defense Sites, established under 10 U.S.C. 2701, et seq.

4 Sept 91
DATE


JAMES K. HUGHES
LTC, Corps of Engineers
Acting Commander

PROJECT SUMMARY SHEET
FOR
DERP-FUDS CON/HTW PROJECT NO. D01MA000101
BOSTON HISTORIC PARK AND B.R.A. PROPERTY
(CHARLESTOWN NAVAL SHIPYARD)
CHARLESTOWN, MASSACHUSETTS
SITE NO. D01MA000100
23 AUGUST 1991

DESCRIPTION OF CON/HTW HAZARDS: The site contains eight (8) underground fuel storage tanks (USTs). One (1) concrete 970,000-gallon UST is located immediately south of Building G (the Commandant's Quarters). Two (2) 25,000-gallon USTs are present beneath an area known as "Flirtation Walk." Three (3) 7500-gallon UST and one (1) 4000-gallon UST are located in the area of parcel 39A. One (1) 5000-gallon UST is believed to be located adjacent to the foundation of Building 203. The USTs, any remaining contents, their associated piping, and any tainted soil are potential sources of environmental contaminants.

The site also contains one (1) 4000-gallon aboveground storage tank west of Building 277. The present contents of the tank are not known, but its construction suggests that it may contain pressurized gas. The tank may be a source of environmental contaminants.

A fuel pump house and approximately 600 feet of associated piping located in the vicinity of Building G also are potential sources of environmental contaminants.

The former forge and chain shop building (No. 105) contains a gas fuel system for supplying furnaces; hydraulic systems for operating cranes; day tanks to hold lubricants; pipe chases; and sumps into which gas, hydraulic fluid, or lubricants may have drained. The fuel system, hydraulic systems, day tanks, pipe chases, and sumps may be sources of environmental contaminants.

Two chimney stacks connected to the incinerator building (No. 203) contain ash pits at their base. The ash pits may contain environmental contaminants. Also, residue from sandblasting operations is visible on the incinerator building floor and outside the building. The residue may contain environmental contaminants.

The site contains a building (No. 193) used by DOD to store salvage scrap metal. The nature of the material stored in the building is not known, and it is possible that metals

tainted with PCBs or other contaminants were present in the building. Also at the site is a building (No. 131) that was used by DOD to store flammable materials. It is possible that material stored in the building may have seeped from containers and may have tainted dust, drains, sumps, or pipes in the building.

On the first floor of the flammable materials storage building are numerous 55-gallon drums, containers of unknown contents, and gasoline tanks removed from vehicles. On the second floor there is a bank of pressurized tanks that may contain CO₂. The drums, containers, and tanks may be sources of environmental contaminants.

Three buildings at the site (Nos. 165, 165A, and 277) were used during DOD ownership for storing containers of gas. DOD removed all of the gas containers before disposing of the site. Any gas that may have leaked from containers prior to the time DOD disposed of the site has probably dissipated. There is no evidence of any contaminants in these buildings; thus, no apparent environmental hazard is presented by these buildings.

PROJECT ELIGIBILITY: The USTs, pump house, equipment in the forge and chain shop, ash pits, scrap salvage storage building, and flammable materials storage building were installed or built and used by the Navy as part of the Charlestown Naval Shipyard.

The drums and containers inside the flammable materials storage building appear to be newer than 1974, the time DOD disposed of the site. Also, an employee of the B.R.A. stated to CENED personnel that subsequent to DOD use the building had been used by a third party to store materials. CENED-ED has weighed the information available and concluded that the drums and containers were not abandoned on site by DOD.

POLICY CONSIDERATIONS: The USTs, pump house, equipment in the forge and chain shop, ash pits, and scrap salvage building have not had any use made of them since disposal of the site by DOD.

The flammable materials storage building appears to have been used subsequent to DOD disposal to store materials. When the dust, drains, sumps, or pipes in the building are sampled for environmental contaminants, the nature of any contaminants detected should be evaluated to see whether they would likely be of military origin.

PROJECT NO. D01MA000101

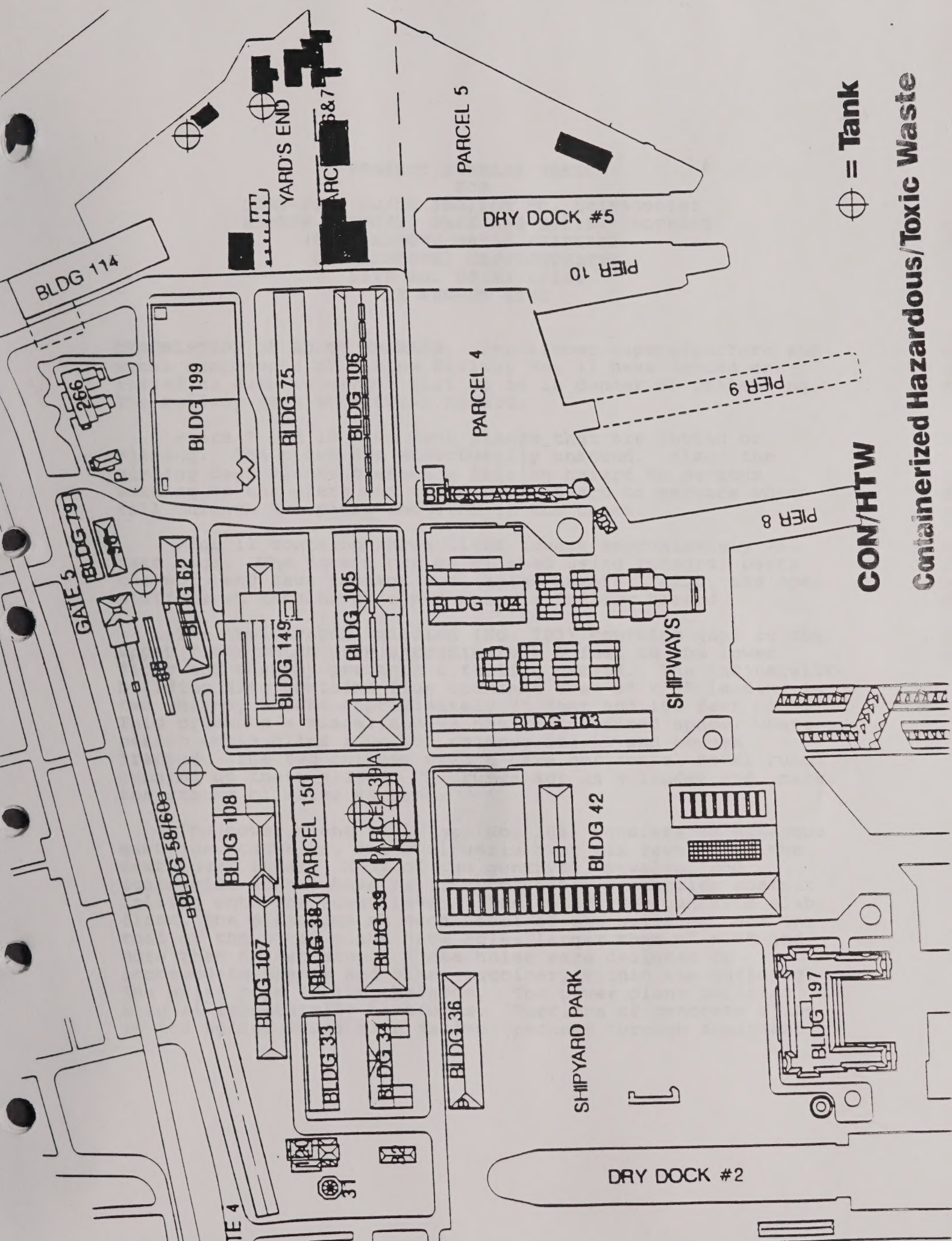
The B.R.A. has requested that the CO₂ system in the flammable materials storage building not be considered for removed under DERP.

PROPOSED PROJECT: The proposed project involves the removal of the contents of one (1) 970,000-gallon UST, breaking the structure down below grade, and filling with compacted random fill; and the removal and disposal of seven (7) underground storage tanks, one (1) aboveground pressure tank, a pump house, associated lines and piping, and their contents. The project includes removing the fuel system, hydraulic systems, and day tanks in the forge and chain shop.

The project also consists of testing and removing ash at the bottom of two incinerator stacks and sampling residual material on the floors, walls, drains, sumps, or pipes or in the air in the scrap salvage storage building, the flammable materials storage building, and the forge and chain shop.

DD FORM 1391: Attached.

DIVISION POC: Robert L. Batt, CENED-RE-AM, 617-647-8590.



⊕ = Tank

CON/HTW

Containerized Hazardous/Toxic Waste

**PROJECT SUMMARY SHEET
FOR
DERP-FUDS BD/DR PROJECT NO. D01MA000102
BOSTON HISTORIC PARK AND B.R.A. PROPERTY
(CHARLESTOWN NAVAL SHIPYARD)
CHARLESTOWN, MASSACHUSETTS
SITE NO. D01MA000100
23 AUGUST 1991**

DESCRIPTION OF BD/DR HAZARDS: The timber superstructure and metal components of Marine Railway No. 11 have rotted and rusted to such an extent that it is in danger of collapsing. The railway is a structural hazard.

Piers 9 and 10 have deck planks that are rotted or missing. The piers are structurally unsound. Also, the missing deck planks present a falling hazard to persons walking on the piers and a drowning hazard to persons who fall through the piers and land in the ocean.

Pier 11 contains three light towers approximately 75 feet high. The towers can be climbed using integral parts thereof, and thus present a climbing hazard. Also, the open platform at each tower's top poses a falling hazard.

The incinerator building (No. 203) contains gaps in the upper floor which drop approximately 8 feet to the lower floor and thereby presents a falling hazard. The incinerator building also contains flue openings over 8" x 8" leading to two chimney stacks approximately 75 feet and 100 feet high. This presents a miscellaneous hazard (confined space) where a person could climb into the chimney stacks and become trapped. The two chimney stacks have horizontal metal rungs running up their sides. The rungs act as a ladder and make the stacks climbing hazards.

The power plant building (No. 108) consists of numerous gantries, catwalks, and stairwells over six feet above the next lower level. Many of the gantrys, catwalks, and stairwells do not have railings or other protection against falling onto the lower level. The reinforced concrete slab floor, the platforms at each level of the building, and the roof of the power plant have holes larger than 8" x 8" and more than 6 feet deep. These holes were designed to accommodate cranes and other machinery within the building. The holes pose falling hazards. The power plant building also is structurally hazardous. Portions of concrete slabs in its boiler house have failed (perhaps through equipment

falling on the slabs), and reinforcement bars show through the concrete. The roof and flashing are in a deteriorated condition and leak. The power plant currently contains high levels of asbestos.

A gas storage shed building (No. 277) is missing a roof. As a result, the walls are not tied together. The walls may flex and fall inward or outward. The building is structurally hazardous.

When the site was visited by CENED personnel in May 1991, the former administration building (No. 206) was found to be structurally unsafe. It is a wood framed building that was temporary in nature and reaching the end of its useful life when DOD disposed of the property. The building has been exposed to the elements, and is deteriorated to the extent that it cannot be renovated. On a windy day, it could fall apart. This building contains asbestos. (Note: Since the time of CENED's site visit, the administration building has been destroyed by a fire.)

Pier 2 has deck planks that are rotted or missing. The missing deck planks present a falling hazard to persons walking on the pier and a drowning hazard to persons who fall through the pier and land in the ocean. The National Park Service has restored a portion of this pier.

The woodworking shop building (No. 114) now is in poor condition due to a fire that occurred sometime after 1975. However, at the time DOD ownership ceased, the woodworking shop was in structurally sound condition.

The B.R.A. requested that Drydock 5 be partially demolished by removing the deteriorated steel sheet piling that lines the drydock and removing any deteriorated concrete behind the piling. However, CENED has determined that the drydock is basically structurally sound, and was structurally sound when DOD ownership ceased.

The B.R.A. requested the removal of the electrical substation building (No. 226), the large warehouse building (No. 131), the fire pump station building (No. 225), two gas storage buildings (Nos. 165 and 165A), and the scrap salvage storage building (No. 193). However, CENED has determined that the buildings are structurally sound, and were structurally sound when DOD ownership ceased.

CENED evaluated the structural integrity of the general warehouse building (No. 75) and found it to be basically structurally sound.

PROJECT ELIGIBILITY: Records indicate all the structures were built and used by the Navy for the functioning of the Charlestown Naval Shipyard. The hazards posed by Marine Railway No. 11 (structural hazard), Piers 9 and 10 (falling and drowning hazards), the light towers (falling and climbing hazards), the incinerator building (falling and confinement hazards) and its chimney stacks (climbing hazards), the power plant (falling hazards), and the administration building (structural hazard) are the result of DOD utilization of the site and existed at the time DOD usage ceased. CENED does not know whether the gas storage shed building (structurally hazardous) had a roof at the time of DOD disposal, but the effort needed to reach such a determination is not warranted by the size of the building or the costs of its demolition and removal.

The woodworking shop building was not structurally hazardous at the time DOD ownership of the site ended. Therefore, the hazard at the woodworking shop does not qualify for remediation under DERP.

POLICY CONSIDERATIONS: The site has been under continuous public ownership since its transfer out of DOD, and execution of this project will not primarily benefit private interests. Marine Railway No. 11, Piers 9 and 10, the light towers, the incinerator building and chimneys, and the power plant have not been altered or beneficially used since DOD disposed of the site. CENED assumes that one gas storage shed has not been altered since DOD disposed of the site. The storage shed has not been beneficially used subsequent to DOD ownership.

The administration building has been altered by a fire since the time of DOD disposal. The building was structurally hazardous at the time of DOD disposal and immediately prior to the fire. The alteration of the building was not intentionally undertaken by a subsequent owner. The cost of removing the building after the fire is less than the cost of removing it had it not sustained the fire. In light of these circumstances, CENED believes that it within policy guidelines to remove the remains of the administration building.

PROJECT NO. D01MA000102

The proposed project addressed asbestos-containing materials (ACM) as part of and incidental to the demolition of the power plant and the removal of rubble from the administration building.

Pier 2 has been altered by the National Park Service in its efforts to historically restore the pier. Therefore, the pier does not qualify for remediation under DERP-FUDS. Also, partial demolition of the pier is not appropriate under DERP-FUDS.

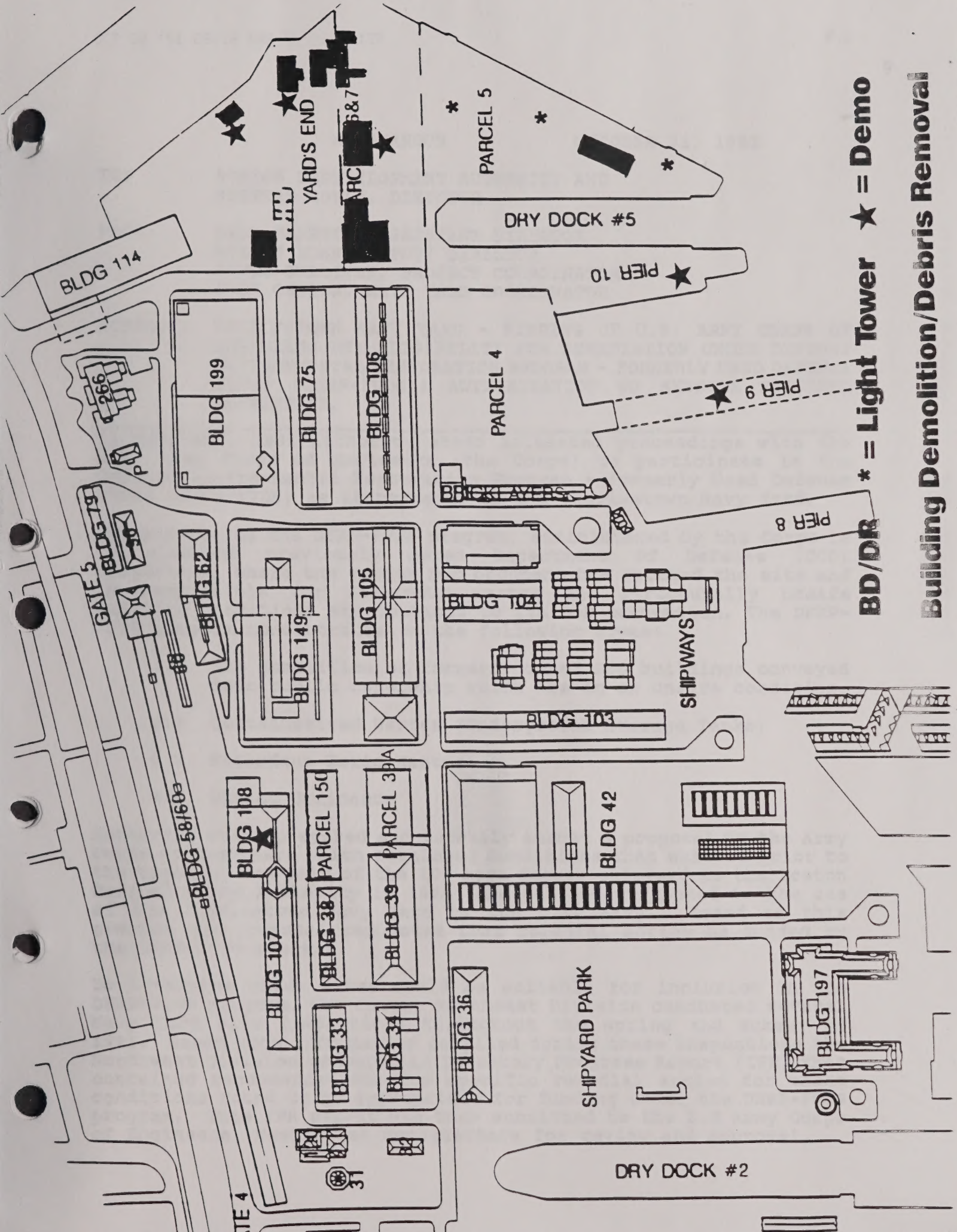
The language in the deed for the "Historic Monument Area" requires the property to be maintained as a historic monument. The power plant is within this property. Maintaining the condition of the power plant as it was when DOD disposed of the site would not remove the falling hazards. Thus, a DERP-FUDS project to remedy the hazards is appropriate. The deed requires that any buildings demolished on the property be recorded. Recordation will take place prior to demolition of the power plant.

The language in the deed for the "New Development Area" requires consultation with historic officers and agencies before structures on this property can be rehabilitated or demolished. Piers 9 and 10, the three light towers, the incinerator building and stacks, the gas storage shed, and the administration building are on this property. Consultation will take place before these structures are demolished and removed.

PROPOSED PROJECT: The proposed project involves the complete demolition and removal of Marine Railway 11; Piers 9 and 10; the three light towers on Pier 11; the incinerator building (No. 203) and incinerator chimney stacks; the power plant building (No. 108); one gas storage shed building (No. 277); and the administration building (No. 206). The incinerator chimney stacks will not be demolished and removed until the ash at the bottom of the stacks is sampled and, if contaminated, removed (see the proposed CON/HTW Project No. D01MA000101). The power plant will not be demolished and removed until the building has been recorded for history. Piers 9 and 10, the three light towers, the incinerator building and stacks, and the gas storage shed will not be demolished and removed until appropriate consultation on historic issues has been accomplished.

DD FORM 1391: Attached.

DIVISION POC: Robert L. Batt, CENED-RE-AM, 617-647-8590.



BD/DR ★ = Light Tower ★ = Demo

Building Demolition/Debris Removal

MEMORANDUM

OCTOBER 31, 1991

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PAUL BARRETT, ASSISTANT DIRECTOR
ROBERT RUSH, DEPUTY DIRECTOR
JAMES SULLIVAN, PROJECT COORDINATOR
JOHN OBRIEN, NAVY YARD COORDINATOR

SUBJECT: CHARLESTOWN NAVY YARD - FINDING OF U.S. ARMY CORPS OF
ENGINEERS RE: ELIGIBILITY FOR REMEDIATION UNDER DEFENSE
ENVIRONMENTAL RESTORATION PROGRAM - FORMERLY USED DEFENSE
SITES (DERP-FUDS); AUTHORIZATION TO EXECUTE REQUIRED
AGREEMENTS.

In February, 1991 Authority staff initiated proceedings with the U.S. Army Corps of Engineers (the Corps) to participate in the Defense Environmental Restoration Program - Formerly Used Defense Sites (DERP-FUDS) as it pertains to the Charlestown Navy Yard.

The purpose of the DERP-FUDS program, administered by the Corps is to clean-up previously owned Department of Defense (DOD) properties, where the former DOD occupant has vacated the site and is responsible for hazardous wastes and structurally unsafe building conditions attributable to its DOD occupation. The DERP-FUDS program concentrates on the following areas:

- 1.) The demolition of formerly owned DOD buildings conveyed into public ownership which are in an unsafe condition.
- 2.) Containerized Wastes (Underground Storage Tanks)
- 3.) Hazardous Toxic Wastes
- 4.) Buried Ordinance

Authority staff prepared and formally submit a proposal to the Army Corps of Engineers which cataloged conditions that existed prior to the transfer and sale of the 105 acre former shipyard to the Boston Redevelopment Authority in 1978, and can be attributed to the use of the Charlestown Navy Yard by the U.S. Navy. Based on this premise the proposal requested that remedial action be funded by the DERP-FUDS program.

To determine which sites would be suitable for inclusion in the DERP-FUDS program, the Corps, Northeast Division conducted several Navy Yard site inspections throughout the spring and summer of 1991. Based upon information compiled during these inspections the Northeast Division prepared an Inventory Progress Report (IPR) that contained recommendations for specific remedial action for those conditions found to be appropriate for funding under the DERP-FUDS program. This IPR report was then submitted to the U.S Army Corps of Engineers, Washington Headquarters for review and approval.

On October 18, 1991 the Authority received the attached Findings and Determination of Eligibility (Finding) for the Charlestown Navy Yard as delivered by the Army Corps of Engineers. The Finding details the specific sites in the Navy Yard that have been approved for remediation under the DERP-FUDS program. The Finding includes project summary sheets for containerized hazardous/ toxic waste (CON/HTW) and building demolition/debris removal (BD/DR).

The attached CON/HTW project summary sheet and associated map describes the location, size and the potential source of environmental contaminants with regard to above and below grade storage tanks, vacant buildings and chimney stacks. The proposed remediation project as approved by the Corps entails the removal and disposal of seven (7) underground storage tanks and one (1) above grade pressure tank. The location and sizes of the aforementioned tanks are outlined below:

- o Flirtation Walk
2 - 25,000 gallon underground storage tanks
- o Parcel 39A
3 - 7,500 gallon underground storage tanks
- o Building 203
1 - 5,000 gallon underground storage tanks
- o Building 277
1 - 4,000 gallon above grade storage tank

The project also consists of testing and removing any environmental contaminants associated with the following locations:

- o Building 105
- o Building 131
- o Building 193
- o Building 203 (chimney stacks)

The attached BD/DR Project Summary Sheet and associated map describes the location and the type of hazard that qualifies those sites for participation in the funding program. The proposed project, as approved by the Corps, calls for the complete demolition and removal of four (4) buildings, three (3) light towers, two (2) piers, and one (1) marine railway. The following sites are scheduled for demolition and removal.

- o Buildings
108
203 (chimney stacks and incinerator)
206 (fire debris removal)
277

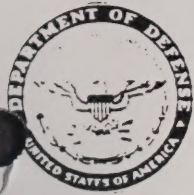
The following is a continuation of sites that are scheduled for demolition and removal:

- o Piers
9
10
- o Light Towers
3 located on Pier 11
- o Marine Railway
located on Pier 11

In order to implement this project the Authority will be required to enter into appropriate agreements with the U.S. Army Corps of Engineers to provide access to the sites and buildings involved.

An Appropriate Vote Follows:

VOTED: That the Director, be and hereby is, authorized to execute and deliver such agreements or other instruments, including but not limited to License Agreements and Right-of-Entry and Hold-Harmless Agreements, with the U.S. Army Corps of Engineers that he deems necessary and appropriate in his discretion in connection with any and all remedial and demolition/removal work authorized under DERP-FUDS, Site D01MA000100, Boston, Massachusetts, Project NOS. D01MA000101 and D01MA000102.



DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02254-9149

REPLY TO
ATTENTION OF

October 18, 1991

Real Estate Directorate
Conveyancing Division

Stephen Coyle, Director
Boston Redevelopment Authority
One City Hall Square
Boston, Massachusetts 02201

Re: Defense Environmental Restoration Program-
Formerly Used Defense Sites (DERP-FUDS),
Former Charlestown Naval Shipyard, Site
No. D01MA000100, Boston, Massachusetts
(Proj. Nos. D01MA000101 & D01MA000102)

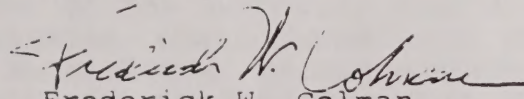
Dear Mr. Coyle:

The portion of the former Charlestown Naval Shipyard belonging to the Boston Redevelopment Authority (BRA) has been determined to be eligible for consideration under the DERP-FUDS program. Projects for the remediation of containerized hazardous/toxic waste (CON/HTW) and building demolition/debris removal (BD/DR) have been approved for this site.

Enclosed for your records are copies of the Findings and Determination of Eligibility for this site and of the Project Summary Sheets for the CON/HTW and BD/DR projects that have been approved. Should approval of remedial work for other categories of hazards be forthcoming you will be informed accordingly.

We will be contacting you in the near future concerning the granting of rights-of-entry necessary for us to enter your property and perform the described projects. In the meantime, questions may be directed to Mr. Robert Batt at (617) 647-8590.

Sincerely,


Frederick W. Colman
Director of Real Estate

Enclosures

- Section 1: Determination of Proper Public Purpose;
- Section 2: Public Access to the Waterfront and open Space;
- Section 4: Creation of housing on land owned by a Public Agency;

The Building 104 project meets or exceeds these standards in that:

- Section 1: The project preserves and enhances the public's right to Commonwealth Tidelands;
- Section 2: The project complies with the requirements for public access to the waterfront and provides in excess of the required public open space in the Charlestown Navy Yard.
- Section 4: The project provides 100% affordability in its dwelling units thereby exceeding the standard.

Therefore, it is recommended that the Authority, pursuant to Section 18 of MGL Chapter 91, 310 CMR Section 9.13, and Section 42F-5 of the Boston Zoning Code determines that the redevelopment of Building 104 serves a proper public purpose and will not be detrimental to the public's rights in Commonwealth Tidelands.

Appropriate votes and resolution follow:

VOTED: That in accordance with Section 42F-5 of the Boston Zoning Code, Section 18 of MGL Chapter 91, and 310 CMR Section 9.13(5), the Boston Redevelopment Authority hereby determines that the redevelopment of Building 104 conforms to Subsection 1 of Section 42F-5 and the Charlestown Navy Yard Master Plan, serves a proper public purpose and would not be detrimental to the public's rights in Commonwealth Tidelands.

**FURTHER
VOTED:**

That it is the intent of the Authority that a certified copy of this Resolution shall constitute conclusive evidence of the Authority's recommendation to the Massachusetts Department of Environmental Protection ("DEP") pursuant to 310 CMR Section 9.13(5). In the event that such certified copy of the Resolution is not deemed sufficient for that purpose by DEP, the Director is hereby authorized to take such actions and execute such instruments as may be deemed appropriate by him to satisfy the reasonable requirements of the DEP for evidence of the Authority's recommendation and certification pursuant to this paragraph.

**FURTHER
VOTED:**

That the Authority hereby adopts the attached resolution
Re: Finding under MGL Chapter 91 Section 18, under 310
CMR 9.13(5), and under Boston Zoning Code Section 42F-5.

**FURTHER
VOTED:**

That the Authority hereby authorizes the Director to
certify to the Massachusetts Department of Environmental
Protection pursuant to 310 CMR 9.34 (1) that the proposed
development of Building 104 complies with applicable
provisions of the Boston Zoning Code.

